

APPENDIX E

Transfer Policy:

issue #1

Extreme delays and inability to enforce child support orders when a child support case is established in one county and the obligor resides in another county. *Rule 5:7-4(b)* provides, in relevant part, that the "judgment or order shall be enforceable in the county of the obligor's residence."

Two causes of delayed enforcement or non-enforcement of the orders arise: (1) county Probation Divisions receiving the transfers refuse to enforce cases venued in other counties and (2) Sheriff's offices refuse to execute child support warrants issued by out-of-county courts.

Options:

1. Amend *Rule 5:7-4(b)* requiring the county of venue enforce the child support order. This amendment would require coordination with all County Sheriffs departments to execute all child support warrants, whether issued in the Sheriff's county of jurisdiction or not.
(See suggested amendment below, *Rule Amendment - Payment through NJ Family Support Payment Center*)
2. The Committee may elect not to amend *Rule 5:7-4(b)* and continue to develop a Transfer Policy to eliminate the enforcement delays and warrant non-compliance. The Transfer Policy should include the following requirements:
 - c. The receiving county to enforce the child support order immediately. Deadlines for initiating enforcement proceedings must be established in compliance with federal regulations.
 - d. If the obligor does not actually reside in the receiving county, then the case may be returned only after proper address verification.
 - e. If obligor moves between counties to avoid enforcement, protocol must be established to determine the county to enforce the matter (e.g., County of Venue enforces the matters where the obligor is evading).
 - f. If the County of Venue is to enforce the order when the obligor moves, then a procedure must be established to transfer bench warrants outside the enforcing county. This may require re-issuance of the bench warrant.

Issue #2

If a person is involved in multiple child support cases venued in different counties, that party must file motions to change venue in order to be heard in one court. The subcommittee would like to assess whether it is possible to implement an expedited method to change venue of these multi-county matters. Any procedures developed would almost certainly require Rule amendments.